

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BEASLEY FOREST PRODUCTS, INC,)	
)	
Plaintiff,)	Civil Action No. 13-1605
)	
v.)	Judge Cathy Bissoon
)	
UNIVERSAL PIPELINE, LLC, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff's Motion for Default Judgment (Doc. 17) against Defendant Universal Pipeline, LLC,¹ will be denied without prejudice to renewal as described below.

Plaintiff's Motion claims to seek a "sum certain," and it proposes that judgment be entered by the Clerk pursuant to Federal Rule of Civil Procedure 55(b)(1). *See* Mot. at ¶ 3; *see also* proposed order (Doc. 19) (containing signature line for Clerk of Court). Plaintiff's request for an award of attorneys' fees (*see* Mot. at ¶ 6), however, places the request outside the scope of subsection (b)(1). *See Deutsche Bank Nat'l Trust Co. v. Vika*, 2013 WL 2155180, *1 (M.D. Pa. May 17, 2013) ("A claim for attorney's fees will rarely be for a 'sum certain' because, typically, a judicial determination is necessary to decide whether to award fees, and, if an award will be made, in what amount.") (citation to quoted source omitted).

Plaintiff may refile, and the renewed motion will be decided by the Court under Federal Rule 55(b)(2). Should Plaintiff wish to avoid a damages hearing, its counsel should include sufficient information regarding fees and costs (*e.g.*, billing statements or summaries) such that

¹ Notably, Plaintiff does not seek default judgment against Defendant Universal Pipeline Partners, LLC, as that entity has answered the Complaint. *See* Doc. 7.

the Court may conduct a reasoned review on the paper. *See, e.g., Joe Hand Promotions, Inc. v. Waldron*, 2013 WL 1007398, *4 (D. N.J. Mar. 13, 2013) (costs and fees may be awarded on default judgment, without hearing, so long as they can “by computation be made certain”).

IT IS SO ORDERED.

May 1, 2014

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record